

PLEASE SUBSTITUTE THIS AMENDED CLAIM FOR THE CLAIM IN APPLICATION #10/656,960.

AMENDED CLAIM

I claim:

1) A tie down strap, comprising:

a ratchet, having a first end and a second end;
a strap, having a first elongate portion with a first end and a second end and having a second elongate portion with a first end and a second end; the first and second elongate portions being joined to the ratchet; at least one guide joined to the ratchet; the guide including a first ~~elongate~~ elongate and a second ~~elongate~~ elongate cooperatively defining a groove, the groove being of sufficient size such that the strap fits within the groove when the strap is wrapped about the ratchet; and means for retaining the strap within the groove, the retaining means including a pair of lips ~~mounted to on~~ the first and second elongate portions of the guide.

Underlined words are new. The words that have a line through are deleted.

Response to Examiner's Report

I disagree with your assessment that Wyer's patent 6,102,371 precludes the issuance of a new patent for the following reasons:

A typical patent procedure is to look for differences in (1) structure, (2) function, and (3) overall appearance. Structural and functional differences are important considerations in determining whether a patent should be issued.

Structural:

Structural considerations involve looking at how the new patent actually works, how it is put together, what different types of parts are used in its construction, and how these structural features differ from what is shown in prior patents. The differences in this patent application and the Wyer's patent are:

1) How it works: In this patent application an individual simply manually wraps the strap around the ratchet and within the "Tie Down Strap Guide" rather than a complicated cranking mechanical process.

2) How it is put together: A simple and inexpensive piece can be added to an existing ratchet as well as incorporated into the design of a new ratchet. Wyer's patent does not appear to have that option of being added to existing tie down straps.

3) What different parts are used in its construction: This patent application involves a simple U shaped bracket so that anyone can manually wrap the unused strap into the guide. It does not involve a lot of moving mechanical parts which make the process more difficult to accomplish.

Function:

Function considerations involve looking at what the patent does or accomplishes, i.e. what problem does it solve and does it solve the problem in a manner differently from any similar inventions shown in prior art patents.

The problem to be solved is how to handle the loose strap ends of tie down straps when they are not being used. The "Tie Down Strap Guide" does this in a simple and inexpensive manner and can be put on both new and existing ratchets. This system does not involve any complex mechanical reel and cranking mechanism.

This "Tie Down Strap Guide" is an easy and inexpensive way to solve the problem of loose straps when the tie down strap is not being used. Prior patents do not appear to have solved that problem because I do not know of any being used or sold at any retail outlet, i.e. hardware stores – general merchandise- or sporting goods stores when you look for tie down straps or accessories for tie down straps. I have not seen any with internet sales either.

Overall Appearance:

Overall appearance involves looking at prior art patents and subjectively deciding whether or not the overall appearance is substantially different.

The overall appearance of the Wyer 's patent and this patent application are obvious. There are no similarities in design, appearance, or how the product will be used.

The other patent numbers that you listed generally refer to the ratchet and locking mechanisms which is a completely different issue from my application.